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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
Amendment of the) Gen. Docket No. 90-314,
Commission's Rules to) RM-7140, RM-7175,
Establish New Personal) RM-7618
Communications Services)

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REPLY COMMENTS OF THE JOINT BROADCAST PARTIES

The "Joint Broadcast Parties" hereby file reply comments to comments filed July 25, 1994, in opposition to the Joint Request for Clarification, Gen. Docket No. 90-314 (the "Request").^{1/}

The Joint Broadcast Parties requested that: 1) the Commission establish interference standards which are more protective of broadcast auxiliary operations in the 1990-2110 MHz band adjacent to the proposed PCS operations; 2) the Commission policy shortcomings of reallocating a portion of the 1990-2110 MHz band for MSS; and, 3) no reallocation of broadcast auxiliary operations be accomplished without full replacement spectrum and compensation.

As to the latter point, those parties who addressed this issue simply incanted that further consideration of the proposed reallocation is "premature" and should be dealt with

^{1/} The Joint Broadcast Parties include the Association for Maximum Service Television, Inc. ("MSTV"); Capital Cities/ABC, Inc.; CBS Inc.; FOX, Inc. & Fox Broadcasting Stations, Inc.; the National Association of Broadcasters; the National Broadcasting Company, Inc.; the Public Broadcasting Service; the Radio-Television News Directors Association and the Society of Broadcast Engineers.

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solely in the context of the next MSS proceeding. See, e.g., Comments of Motorola at 8-9. The short answer to this argument is that the proposed PCS allocation in the 1850-1990 MHz band will "usurp" spectrum allocated internationally to MSS. The PCS allocation is predicated in part on the assumption that MSS can and will be located elsewhere and the Memorandum Opinion and Order makes clear that "elsewhere" could potentially include broadcast auxiliary spectrum in the 1990-2010 MHz band. It is not at all premature to seek clarification that the PCS allocation decision does not in fact rest on the assumption that broadcast auxiliary spectrum could be reallocated to MSS.

The responses to the request of the Joint Parties for additional inter-service interference protection were equally inadequate or inapposite. To begin with, the Joint Parties note that no commenter has challenged the Joint Parties' most basic assertion: as contemplated in the Memorandum Opinion and Order, PCS operations in the 1970-1990 MHz band could cause interference to auxiliary broadcast operations in the 1990-2110 MHz band. To the contrary, virtually all of those opposing a buffer band or other additional measures concede (at least tacitly) the existence of an interference problem. See Comments of APC at 11 & Ex.2, 1-3; Comments of MCI at 3; Comments of Motorola, Inc. at 3-8; Comments of Northern Telecom, Inc. at 4-6 (August 30, 1994).

Most of the opponents endeavor to belittle the interference concerns. Motorola, for example, argues that

interference from PCS operations will be mitigated by "the low number of broadcast outlets" and by the fact that "a majority of PCS base station transmitters will likely operate with radiated powers below 1640 watts." Comments of Motorola at 6. See also Comments of Comsat at 3 n.2.

None of these comments are in the least bit systematic or make a serious effort to quantify the actual risk of interference. While it may be true that broadcast auxiliary receivers will be few and far between in vast areas of the country, it is equally true that they are highly concentrated in certain (predictable) locations all the time and in other (unpredictable) locations some of the time. It will be no solace for those unable to transmit from a center city with intensive PCS use or from the relatively remote scene of a major disaster also served by high-powered PCS base stations to know that, nationwide, the odds of receiving interference from PCS stations are quite low. Furthermore, one ENG receiver may serve millions of television viewers at once, both across an entire metro area and by networking even across the entire nation.

Similarly conclusory are the assertions that reversing the allocations of the fixed and mobile units in part of the band would raise the cost of PCS equipment and service. See, e.g., Comments of APC, Exh.2 at 1-2; Comments of Northern Telecom at 4-5. Again, no effort is made to quantify this alleged cost penalty or even to supply an order of magnitude. It should be apparent, however, that

engineering in this protection at the initial development stage will be far less expensive than doing so after the widespread dissemination of PCS equipment.

MCI concedes that, at a minimum, "frequency coordination" and/or "other measures" will be necessary to avoid harmful interference to broadcast auxiliary operations. Comments of MCI at 3. While there is merit to MCI's suggestion with respect to fixed broadcast auxiliary operations and the predictable high-concentration areas, coordination is of limited utility in protecting mobile ENG operations.

Equally inapposite is the assertion that PCS base stations will cause less interference than existing microwave users in that band. Comments of Motorola at 5-6. The existing microwave users' facilities consist of point-to-point links where the energy is focused in a narrow beam, pointing in a single direction. Surely the proponents of PCS have in mind a far more intensive use of the same frequencies and a far more extensive, indeed ubiquitous, dissemination of transmitters and thus of RF energy. Those transmitters, moreover, will have substantially greater beamwidth, and may even be omnidirectional in some instances. While individual microwave units may pose a threat if the ENG receiver were located in the main beam, the cumulative impact of PCS will be far greater and much less easily avoided.

Northern Telecom is perhaps the most frank of the opponents in grounding its opposition on the straightforward

proclamation that "it is only fair that broadcasters should shoulder some of the burden of 'sharing' the spectrum with their PCS licensee neighbors." Comments of Northern Telecom at 6. Northern Telecom further suggests that broadcasters "compensate" for PCS-generated interference by "deploying more sophisticated equipment or filtering devices." Id.

As Northern Telecom admits, this decision is at bottom whether the cost of preventing interference should be imposed as a cost of developing a new service or as a tax on an existing service. In this instance, the Commission's treatment of incumbent microwave users does provide a useful analogy: incumbent users are fully protected from PCS interference. Broadcasters should receive no less an accommodation. See Request, at 11-16; cf. In the Matter of Redevelopment of Spectrum to Encourage Innovation in the Use of New Telecommunications Technologies, (Report & Order), 9 FCC Rcd 1943, 1943-44, 1948 (1994); In the Matter of Redevelopment of Spectrum to Encourage Innovation in the Use of New Telecommunications Technologies (Third Report and Order), 8 FCC Rcd 6589, 6602-04 (1993).^{2/}

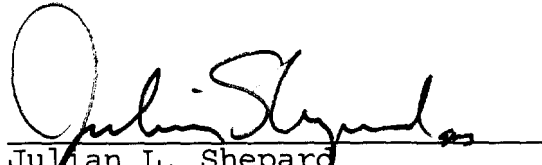
^{2/} Motorola urges that the Commission adopt a mandatory coordination program as an alternative to the use of a guardband. Comments of Motorola at 8. At the very least this suggestion constitutes another implicit acknowledgment that, while there may be disagreement over the appropriate solution, all sides agree that there is a serious problem that cannot be ignored. As for Motorola's suggestion that broadcasters begin cooperating with the PCS industry by supplying the locations of auxiliary receivers, the Joint Broadcast Parties would only note that the broadcast industry, through SBE, has long overseen operation of an extensive user data base and

(continued...)

CONCLUSION

The Joint Parties reiterate their request that the Commission make clear that at a minimum, it will undertake further study to protect broadcast auxiliary stations in the 1990-2110 MHz band from adjacent-channel PCS operations and that the PCS allocation is not in fact based on the assumption that broadcast auxiliary operations will be ejected from that band for MSS.

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^{2/} (...continued)
coordination program for the auxiliary frequencies. If any
coordination problems develop it will not be because of the
lack of cooperation of the broadcast industry.

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September 9, 1994

CERTIFICATE OF SERVICE

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